

NOV 15 2007

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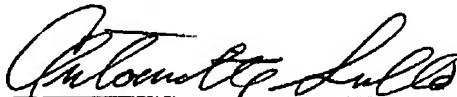
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TELECOPIER COVER LETTER

To: USPTOFrom: William B. Slate *Antoinette Sullo*  
571-2730FAX #: 571-273-8300Date: November 15, 2007Your Ref.: SN 10/733,556Our Ref.: 085.10966-US (03-436)Number of Pages including this sheet: 5Confirmation Copy to Follow: Yes XX No

\* Comments:

I hereby certify that this correspondence is being facsimile transmitted this 15<sup>th</sup> day of November, 2007 to the USPTO, at Fax No. 571-273-8300.

  
 Antoinette Sullo

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PTOL-413A (10-07)  
Approved for use through 10/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## Applicant Initiated Interview Request Form

Application No.: 10/733,668      First Named Applicant: Michael J. Aerlio  
 Examiner: Chuka Clement Ndubizu      Art Unit: 3749      Status of Application: Pending

## Tentative Participants:

(1) Examiner Chuka Clement Ndubizu      (2) Attorney William B. State  
 (3)      (4)

Proposed Date of Interview: 11/20/2007      Proposed Time: 10:30 (AM/PM)

## Type of Interview Requested:

(1)  Telephonic      (2)  Personal      (3)  Video Conference

Exhibit To Be Shown or Demonstrated:  YES       NO  
 If yes, provide brief description: \_\_\_\_\_

## Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art double patenting	Discussed	Agreed	Not Agreed
(1) Rej.	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) Rej.	various	'004 and '978	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[ ] Continuation Sheet Attached					

## Brief Description of Arguments to be Presented:

\_\_\_\_\_  
 \_\_\_\_\_

An interview was conducted on the above-identified application on \_\_\_\_\_.  
 NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

William B. State

Examiner/SPE Signature

Typed/Printed Name of Applicant or Representative

37,238

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Double Patenting

Claim 1 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending application 10/733,544. Applicants respectfully traverse the rejection.

In addition to the reasons previously noted, additional structural language has been added to claim 1 of the '544 application to identify hangers.

Claim Rejections-35 U.S.C. 103

Claims 1-3, 5, 6, 10, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. (US5494004) in view of DeMart (US2668978) Applicants respectfully traverse the rejection.

At page 3 of the Office action, there is clearly no support for the assertion of a plurality of separable segments and their support on respective associated trolleys. The Office action appears to effect some combination of bootstrapping and overly creative interpretation wherein a single four-wheel combination is asserted against the claim. It is clear that the meaning of the claim requires more than this. The apparent interpretation vitiates the phrase "associated one of the plurality of trolleys". Even giving credit to the asserted trolley and segmentation, Hunter, Jr. merely involves a single trolley supporting all the segments.

DeMart appears to involve a suspended lance. There does not appear to be the claimed association of segments and trolleys. As with Hunter, Jr., if this is an interpretational issue, it is hoped that appropriately distinguishing wording can be agreed upon.

The asserted motivation to combine "in order to provide an apparatus as rugged and would prevent the sagging of blower lance tubes as taught by DeMart" is merely conclusory.

What is the nature of the proposed combination? What form of additional trolleys are being added to Hunter, Jr. and where? What support is there for any assertion that Hunter, Jr. lacked ruggedness and was subject to sagging? How would the modifications not interfere with basic operation of Hunter, Jr. (e.g., its articulation)?

In the prior February 12, 2007 action, it was asserted that "a plurality of segments and each segment supported atop a single associated one of the plurality of trolleys is an obvious

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variation over Hunter." Office action, page 4, lines 3-4. This is not the asserted "mere duplication of parts" as in the addition of an extra reinforcing rib in the cited *In re Harza* case. Applying the mere duplication of parts theory to Hunter, Jr. would be, for example, if Applicants claimed cleaning a furnace with two Hunter, Jr. devices.

The provision of multiple trolleys and multiple segments is not suggested by Hunter, Jr. As noted in the specification, these may provide modularity and ease of assembly.

Claims 8 and 9 are believed patentable for the same reason as is the subject matter of underlying claim 1.

The added claims identify various other aspects of the modularities for which there is no suggestion.

Claims 8, 9, and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. in view of DeMart. Applicants respectfully traverse the rejection.

Similar questions and arguments apply as are noted above.

The connection of sewer pipes is not believed informative. There is no basis for asserting the obviousness of the modification. Furthermore, the modification would clearly interfere with the articulation of Hunter, Jr. In the absence of a detailed characterization of the physical nature of any combination, Applicants are not in a position to identify further deficiencies.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter, Jr. in view of DeMart, and further in view of Heering et al. (US5950572). Applicants respectfully traverse the rejection.

In the prior February 12, 2007 action, col. 3, lines 25-27 of Heering et al. were cited which read: "Slide 7 is pressed against lance box 5 by a compression spring which applies the necessary sealing force by way of a space sleeve 14 and O ring 15." The combination was asserted "in order to provide an apparatus that ensures gas tightness and motion along the protection against high temperatures..." Office action, paragraph spanning pages 4 and 5. There is no reason why one of ordinary skill in the art would attempt such a modification. One need only look at the figures of Hunter, Jr. and Heering et al. and be perplexed as to how such a proposal could be implemented. Look at Hunter, Jr. FIG. 2 and Heering et al. FIG. 2. These are

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substantially different physical situations. There is no reason why one would attempt to make any modification of Hunter, Jr. based upon Heering et al. There has been no identification of how this could be done without interfering with the basic operation of Hunter, Jr.

At page 8 of the present Office action, a Summary passage was asserted as identifying a compression spring. In the Detailed Description section, a compression spring is identified as element 13. Assuming this to be the spring, Applicants wish to discuss its role, which appears to be related to sealing.